

Amendments to the Drawings:

The attached drawing sheet includes changes to Figure 1. This sheet replaces the original sheet including Figure 1.

Attachment: Replacement Sheet

REMARKS

This Response is submitted in reply to the Office Action mailed on January 4, 2007 and the telephone interview graciously granted to Applicants' representative on December 12, 2006. Claim 16 has been amended. No new matter was added by this amendment. Claims 27 to 61 have been withdrawn as discussed below. Applicants do not believe any fees are due in association with this Response, however please charge Deposit Account No. 02-1818 for any fees deemed due.

In the Office Action, affirmation of a provisional election made by Applicants' representative via telephone on December 12, 2006 is required. The drawings have been objected to under 37 C.F.R. § 1.83(a) as failing to show a "controller" or a "medical fluid regenerator." Claim 16 has been objected to because of an informality. Claims 1 to 4, 13, 15, 24 and 25 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,522,998 to Polaschegg ("*Polaschegg*"). Claims 5 to 7 and 12 to 14 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Polaschegg* in view of U.S. Publication No. 2001/0041892 to Burbank et al. ("*Burbank I*"). Claims 16, 21 to 23 and 26 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Polaschegg* in view of U.S. Patent No. 6,579,253 to Burbank et al. ("*Burbank II*"). Claims 8 to 11 and 18 to 20 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Polaschegg* in view of U.S. Patent No. 4,229,299 to Savitz et al. ("*Savitz*"). Claim 17 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Polaschegg* in view of U.S. Patent No. 4,950,259 to Geary et al. ("*Geary*").

The Office Action includes a restriction/election requirement requiring Applicants to elect one of the following groups under 35 U.S.C. § 121:

- I. Claims 1 to 26, drawn to a system for providing dialysis, classified in class 604, subclass 5.01.
- II. Claims 27 to 34, drawn to a cassette, classified in class 210, subclass 646.
- III. Claims 35 to 39, drawn to a dialysis therapy device, classified in class 604, subclasses 6.11, 6.13.
- IV. Claims 40 to 56, drawn to methods for performing peritoneal dialysis, classified in class 604, subclass 29.

V. Claims 57 to 61, drawn to methods of performing peritoneal dialysis and hemodialysis, classified in class 210, subclass 645.

During the December 12, 2006 telephone interview, Applicants' representative provisionally elected to prosecute the invention of Group I, Claims 1 to 26. Applicants hereby affirm the election of Group I, drawn to a system for providing dialysis, with traverse. Applicants' traverse concerns the finding that Groups I and IV, Groups I and V and Groups IV and V are, respectively, unrelated. Group I is directed to a system for providing dialysis. Groups IV and V are directed to dialysis methods. Applicants believe Groups I, IV and V are related.

Regarding the rejection of the drawings under 37 C.F.R. § 1.83(a) as failing to show a "controller," Applicants have amended Figure 1 accordingly and the specification to refer to the appropriate element number. Applicants believe that this amendment to Figure 1 addresses this objection to the drawings.

Regarding the objection to the drawings under 37 C.F.R. § 1.83(a) as failing to show a "medical fluid regenerator", Applicants respectfully traverse this rejection. The paragraph beginning on page 16, line 7 of the specification, as filed, states in part:

A sorbent cartridge or container 32 includes materials that absorb particular compounds from the dialysate. For example, certain sorbents within the sorbent cartridge 32 may absorb uremic toxins, such as urea, creatinine, uric acid, and other metabolism by-products. By removing these undesirable waste materials, the sorbent cartridge 32 at least partially regenerates the dialysate. (Emphasis added).

The "medical fluid regenerator" of Claim 1 is supported, for example, in Figure 1 by reference character 32. Applicants believe that the specification fully supports the objected to claim language.

Regarding the Examiner's construction of the term "nanofilter", Applicants respectfully traverse the construction and submit that the term should be applied the meaning understood by those of skill in the art.

Regarding the objection to Claim 16 based on a typographical error, Applicants have amended Claim 16 to replace "multiple patient" with "multiple patient lumens."

Regarding the rejection of Claims 1 to 4, 13, 15, 24 and 25 under 35 U.S.C. § 102(b) as being anticipated by *Polaschegg*, Applicants respectfully traverse this rejection. On Page 7, the Office Action asserts that the component in *Polaschegg* represented by reference character 12 discloses the medical fluid regenerator of Claim 1. Subsequently, with regard to Claim 2, the Office Action indicates that *Polaschegg* discloses a dialyzer, again citing reference character 12 of *Polaschegg*, but this time indicating that reference character 12 is a dialyzer, as opposed to a medical fluid regenerator. Reference character 12 of *Polaschegg* refers to a dialyzer (see column 5, lines 9 to 14).

Claim 1 includes a second fluid loop including a second pump and a medical fluid regenerator and a membrane device in fluid contact with and separating a patient fluid loop and the second fluid loop. Claim 2 includes the dialysis system of Claim 1, wherein the membrane device is a dialyzer. While *Polaschegg* discloses a dialyzer 12, *Polaschegg* does not disclose a medical fluid regenerator or one in combination with a dialyzer. Accordingly, Applicants respectfully submit that Claims 1 to 4, 13, 15, 24 and 25 are distinguished over *Polaschegg* and allowable at this time.


Applicants respectfully submit that the patentability of Claim 1 renders moot the obviousness rejections of Claims 5 to 7 and 12 to 14 in view of *Burbank I*, Claims 16, 21 to 23 and 26 in view of *Burbank II*, Claims 8 to 11 and 18 to 20 in view of *Savitz*, and Claim 17 in view of *Geary*.

For the foregoing reasons, Applicants respectfully submit that the present application is in condition for allowance and earnestly solicit reconsideration of same.

Respectfully submitted,

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